

Remarks

Reconsideration of the application is requested in view of the remarks below. Claims 1-15 and 25 are pending in the application.

Claim Rejection - 35 U.S.C. § 103(a)

Claims 1-15 and 25 have been rejected under 35 USC 103(a) as unpatentable over Timm, Klipper et al and Corte et al (U.S. Patent No. 3,006,866). Applicants respectfully traverse this ground of rejection and re-submit and incorporate all their previously submitted comments.

"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (Fed. Cir. 1974)". Applicants also respectfully submit that "in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claims limitations. The teachings or suggestions to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicants' disclosure." See MPEP § 2142, citing In re Vaeck, 947 F.2d 488, 20 USPQ 2d. 1438 (Fed. Cir. 1991).

As previously discussed, Timm discloses the preparation of spheroidal polymer beads by a method that is mentioned in the present application as one way to prepare monodisperse, crosslinked vinylaromatic base polymers according to Applicants' step (a). The previous Office Action alleged Klipper et al teaches Applicants' steps (b) and (c) and Corte et al teaches Applicants' step (d). Further, the Office Action alleges "It would have been obvious to prepare anion exchangers according to instant steps (a) to (d) because Timm and Klipper and Corte '866 teach each step of the process" (Office Action, page 3, lines 6-8). Applicants, however, continue to maintain that the cited references do not tie these steps together.

Timm discloses a preparation of spheroidal polymer beads but does not disclose a subsequent sequence of amidomethylation, conversion to aminomethylated bead polymers, and alkylation. Klipper et al discloses amidomethylation and conversion to corresponding aminomethylated polymers but does not mention monodisperse polymer beads or subsequent alkylation. Corte et al discloses alkylation of amino groups but teaches a different amidomethylation method and does not even remotely suggest monodisperse polymer beads as in the present invention.

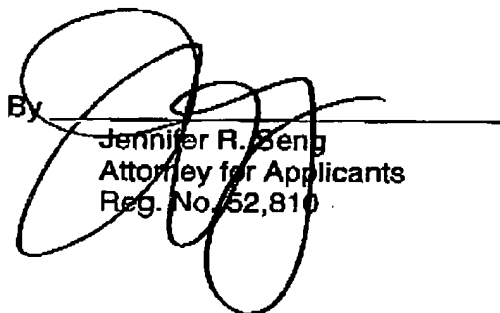
Applicants herein submit a revised Declaration and additional comparative experimental data, presented in the form of a Declaration under 37 C.F.R. 1.132 of Dr. Reinhold Klipper. The Declaration illustrates monodispersed anion exchangers prepared according the present invention and in accordance of the scope of the claims when compared to heterodisperse anion exchanger prepared according to Example 6 of Corte et al (as requested in the Decision of the Board), has a larger amount of basic groups as a result of higher degree of substitution and higher stability and a better utilizable capacity of the resin. See Table 1 of the Declaration.

Applicants submit that those skilled in the art would not have expected such improvements with the process as claimed in the present invention and thus would not have been led by the teachings of the cited references to their claimed invention.

Applicants therefore respectfully submit that their claims are not rendered obvious by the combination of Timm, Klipper et al, and Corte et al '866.

In view of the foregoing amendments and remarks, allowance of all the pending claims is earnestly requested.

Respectfully submitted,

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